

**MINUTES OF THE COURT OF APPEAL  
SECOND APPELLATE DISTRICT  
STATE OF CALIFORNIA**

**October 19, 2000**

## DIVISION ONE

B125481 Top Cat Productions, Inc., et al.  
B128713 v.  
Michael's Los Feliz, L.P.

Filed order vacating submission order of July 26, 2000. Additional briefing requested. The case will be set for argument on December 19, 2000.

B130693      Camps  
v.  
Princess Cruises

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

## DIVISION TWO

B136796 People (Not for Publication)  
v.  
Joshua C. Hawkins

The sentencing minute order and abstract of judgment are modified to delete their references to a parole revocation fine. The judgment as modified is affirmed.

Nott, Acting P.J.

We concur:    Cooper, J.  
                         Todd, J.

## DIVISION TWO (Continued)

B134478      People      (Not for Publication)  
v.  
Oscar Cecil Castillo

### The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Cooper, J.

B134938 Roy Delane Vaughn (Not for Publication)  
v.  
Mercury Insurance Company

The judgment is affirmed.

Nott, J.

We concur:   Boren, P.J.  
                      Todd, J.

B136170 Elizabeth M. Pegorare, as Trustee, etc. (Not for Publication)  
v.  
Stanton Alan Wong et al.

The judgment is affirmed. Respondent is awarded costs on appeal. The matter is remanded to the trial court for consideration of an award to respondent for attorney fees on appeal, as well as fees for that court hearing.

Nott, J.

We concur:   Boren, P.J.  
                      Todd, J.

DIVISION THREE

B132954     David A. Gill, etc. et al.     (Not for Publication)  
              v.  
              Alex Abbassi et al.

The order is affirmed. Respondents, the clients of Aguilar and Sebastinelli, are awarded costs on appeal. We find this appeal to be frivolous. Gill and his counsel, the law firm of Danning, Gill, Diamond and Kollitz, LLP, are jointly and severally liable to respondents for sanctions, the amount of which shall be determined by the superior court upon remand.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

B143968     Robert Anthony Rose     (Not for Publication)  
              v.  
              Superior Court, Los Angeles County  
              (The People, r.p.i.)

The Court:

Let a peremptory writ of mandate issue, directing respondent superior court to vacate its order of July 5, 2000 and August 4, 2000, denying petitioner's motions for appointment of a second attorney pursuant to section 987, subdivision(d), and a consulting expert pursuant to section 987.9, and to thereafter conduct further proceedings in accordance with the views expressed herein. No costs are awarded in this proceeding. This opinion shall become final as to this court 7 days after it is filed. (Cal. Rules of Court, rule 24(d).)

Klein, P.J., Croskey, J., Aldrich, J.

### DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B132537 People (Not for Publication)  
v.  
Rhodes

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B131883 People (Not for Publication)  
v.  
Mannery

The judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

### DIVISION THREE (Continued)

B133884      People                    (Not for Publication)  
v.  
Black

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B135874 People (Certified for Publication)  
v.  
Moloy

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B128739      Leslie Alvarado      (Not for Publication)  
v.  
Knoll Pharmaceutical

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

DIVISION THREE (Continued)

B130666      Mona Boulevard                      (Not for Publication)  
                 Community Services, Inc.  
                 v.  
                 Maurice L. Williams, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, J.

We concur:   Klein, P.J.  
                     Kitching, J.

B133436      County of Los Angeles      (Not for Publication)  
                 v.  
                 Ernesto S. Favis, Jr.

That portion of the judgment awarding the County \$8,888 as repayment of support provided by County for Ermin is reversed and not remanded for a new trial; the trial court is directed to enter judgment in favor of father on that issue. That portion of the judgment awarding \$500 in child support of the months of April, May and June 1999 is reversed and remanded and the trial court is directed, if it departs from the guidelines, to provide the required findings. The trial court is directed to issue an order requiring County, as represented by the District Attorney's Office, to file a proof of service with the court showing that, in fact, County served mother with the complaint, so that, an order for child support having been entered by the court, mother is now a party to the action for purposes of resolving issues of visitation. In all other respects the judgment is affirmed. Father is awarded his costs on appeal.

Croskey, J.

We concur:   Klein, P.J.  
                     Aldrich, J.

DIVISION THREE (Continued)

B136692      Gabriel Garcia Leon et al.                      (Not for Publication)  
                 v.  
                 Bernice Beddo

The judgment is affirmed. Plaintiffs shall bear their own costs on appeal. Defendant's attorneys shall bear defendant's costs on appeal, including attorney's fees.

Croskey, J.

We concur:   Klein, P.J.  
                 Kitching, J.

B136656      People    (Not for Publication)  
                 v.  
                 Willoughby

The judgment is modified by imposing a \$200 restitution fine pursuant to Penal Code section 1202.45, and by awarding an additional 30 days custody credit and an additional 67 days conduct credit, and, as modified, is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modifications.

Croskey, J.

I concur:      Klein, P.J.  
I dissent:      Kitching, J. (Opinion)

B137033      People    (Not for Publication)  
                 v.  
                 Brooks

The judgment is affirmed.

Croskey, J.

We concur:   Klein, P.J.  
                 Kitching, J.

### October 19, 2000-Continued

### DIVISION THREE (Continued)

B136289 People (Not for Publication)  
v.  
Lawrence

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

[illegible]

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B143017 Indrid A. v. S.C.L.A. & D.C.F.S.  
B138699 People v. Flores  
B136845 People v. Hornblower  
B131573 People v. White  
B139925 People v. Abrahamson

Argument waived, cause submitted.



DIVISION FOUR (Continued)

B139072     People  
              v.  
              Sean C. R.

Merits:  
Argued by Edward J. Haggerty for appellant and by Douglas L. Wilson for respondent. Cause submitted.

B134642     People  
              v.  
              Martez D.

Merits:  
Argued by Jeralyn Keller for appellant and by Juliet H. Swoboda for respondent. Cause submitted.

B141578     Martinez  
              v.  
              W.C.A.B.  
              Hughes & Raytheon

Merits:  
Argued by Lawrence R. Whiting for petitioner and by Robert F. Tardiff for respondent. Cause submitted.

B135098     SFIC Properties  
              v.  
              Hartford Casualty Insurance

Merits:  
Argued by Kevin M. McGuire for appellants and by David V. Rose for respondent. Cause submitted.

DIVISION FOUR (Continued)

B141078      Fields  
                 v.  
                 Workers Compensation Appeals Board  
                 City of Pasadena, Respondent

Merits:  
Argued by Allan H. Cutler for petitioner and by Mark J. Batt for  
respondent. Cause submitted.

B143341      Duncan  
                 v.  
                 Superior Court, Los Angeles County  
                 (Connelly, r.p.i.)

Merits:  
Argued by Steven W. Murray for petitioner, by Frederick Bennett for  
respondent and by Padric Connelly for real party in interest. Cause  
submitted.

B127597      Harris  
                 v.  
                 City of Santa Monica

Merits:  
Argued by David G. Spivak for appellant and by Barbara Greenstein for  
respondents. Cause submitted.

Court in recess.

Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J. and Jim Guzman, Deputy  
Clerk.

DIVISION FOUR (Continued)

B128620     Plut  
              v.  
              Fireman's Fund Insurance Company

Merits:  
Argued by Ellen R. Serbin for appellants and by Thomas J. Dowling for respondent. Cause submitted.

B133346     People  
              v.  
              Reese

Merits:  
Argued by Carlo A. Spiga for appellant and by Ana R. Duarte for respondent. Cause submitted.

B134720     Williams  
              v.  
              Allen

Merits:  
Argued by Francis E. Smith for appellant and by Patrick J. Cain for respondent. Cause submitted.

B133391     Hagmueller  
              v.  
              Hagmueller

Merits:  
Argued by Bruce P. Wolfe for appellant and by Leonard J. Plotkin for respondent. Cause submitted.

DIVISION FOUR (Continued)

B132022      Zamacona  
                 v.  
                 Costco Companies Inc.

Merits:  
Argued by Jeffry A. Miller for appellants and by Richard A. Love for  
respondent. Cause submitted.

B128163      6 Angels  
                 v.  
                 Stuart-Wright Mortgage

Merits:  
Argued by Arturo E. Matthews for appellants and by Jody D. Angel for  
respondent. Cause submitted.

B138546      Beroiz  
                 v.  
                 Wahl

Merits:  
Argued by Samuel T. Rees for appellants and by Craig D. Weinstein and  
Bart I. Ring for respondent. Cause submitted.

B133384      Lazarus  
                 v.  
                 City of Los Angeles

Merits:  
Argued by Leslie S. McAfee for appellant and by Lisa S. Berger for  
respondent. Cause submitted.

DIVISION FOUR (Continued)

B132383      Ulico Casualty Company  
v.  
California Casualty & Fire Insurance

Merits:

Argued by David C. Werner for appellant and by Bradford H. Miller for respondent. Cause submitted.

B122206      Eaton Corporation  
v.  
Allied-Signal Aerospace Inc.

Merits:

Argued by Robert Rees for appellant and by Frank P. Barbaro for appellant  
and by Edith R. Matthai for respondent. Cause submitted.

Court adjourned

## DIVISION SIX

B135835 People (Not for Publication)  
v.  
Branch

The judgment (order of commitment) is affirmed.

Yegan, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.